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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/034,352      | 12/27/2001  | Hiraku Kayama        | P 0277028 H7635US   | 8384             |

27496 7590 07/26/2005

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EXAMINER

LERNER, MARTIN

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/034,352

Applicant(s)

KAYAMA ET AL.

Examiner

Martin Lerner

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 to 4, 11, and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 to 4, 11, and 13 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **EX PARTE QUAYLE**

This application is in condition for allowance except for the following formal matters:

#### ***Drawings***

Figures 40A and 40B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office Action to avoid abandonment of the application. The replacement sheets should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, Applicants will be notified and informed of any required corrective action in the next Office Action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

The abstract of the disclosure is objected to because it is more than 150 words. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

The Specification contains numerous instances where the term "signing" should be replaced by --singing—. Examples are:

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On page 4, line 26; page 6, line 32; page 8, line 6; page 8, line 28; on page 10, line 4; on page 10, line 15; and on page 10, line 24, "signing" should be replaced by –singing—.

On page 11, line 23, --information-- should be inserted before "stored".

On page 13, line 15, a semicolon should be inserted before "process".

On page 20, line 7, "truck" should be –track—.

On page 23, line 21; on page 23, line 25; and on page 23, line 33, "constant" should be –consonant—.

On page 33, line 31, "sate" should be –state—.

On page 52, line 5, "Cosonant" should be –Consonant—.

On page 56, line 21, "correspond" should be –corresponds—.

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

#### ***Election/Restrictions***

Applicants' election without traverse of Group I, Claims 1 to 4, and 11, in the reply filed on 16 June 2005 is acknowledged. New independent claim 13 is consistent

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with independent claims 1, 3, and 11, as stated by Applicants, and independent claim 13 is examined herein along with Group I.

***Allowable Subject Matter***

Claims 1 to 4, 11, and 13 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest time information representative of a singing-starting time point, and singing length information representative of a singing length that is earlier in time than the singing-starting time point. (See Specification, e.g. Figures 9, 20, and 27A to 27C) Applicants' Specification, Page 2, suggests an advantage of making more natural singing voices by setting the singing-starting time point of a consonant (first phoneme) to be set earlier than the actual singing-starting time point.

*Ohta*, Column 11, Lines 7 to 33: Figure 3, discloses a conventional embodiment of the prior art, where it is known to assign phonetic information representative of phonetic units, time information representative of singing-starting time points, and singing length information representative of singing length, but does not generate phonetic unit transition time lengths or provide for timing earlier than the singing-starting time point. *Ohta* discloses several ways to synchronize a sound instrument and a singing voice by delaying starting times, compressing, or cutting off portions of

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phonemes -- Column 15, Line 4 to Column 16, Line 52: Figures 13A to 14C -- but does not provide for a singing length that is earlier in time than the singing-starting time.

Thus, independent claims 1, 3, 11, and 13 are allowable because the prior art of record does not disclose or suggest making a singing-starting time point earlier in time for a first phoneme so as to make more natural singing voices.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

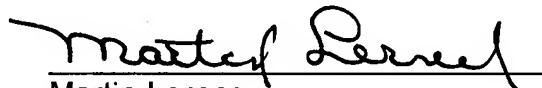
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

7/13/05

A handwritten signature in black ink, appearing to read "Martin Lerner", written over a horizontal line.

Martin Lerner  
Examiner  
Group Art Unit 2654